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09/098,279	06/16/1998	C. DOUGLASS THOMAS	ATC97-1	3931

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EXAMINER

VO, TUNG T

ART UNIT

PAPER NUMBER

2613

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Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

# Office Action Summary

Application No.

09/098,279

Applicant(s)

THOMAS ET AL.

Examiner

Tung T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-9,11-18 and 32-66 is/are pending in the application.
- 4a) Of the above claim(s) 32-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-9,11-18 and 39-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 4, 7-9, 16-18, 39, and 44 have been considered but are moot in view of the new ground(s) of rejection.

### ***Election/Restrictions***

2. Newly submitted claims 32-38 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the claimed inventions is directed to a method for remotely controlling an information appliance at a local location, which is classified in the class 725 and subclass 115.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 32-38 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 39-45, 49, and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Pomerleau (US 5,091,780).

Re claims 39. Pomerleau discloses a method for operating a general purpose computer as station 1, station 2, and station N as shown in the figures 1-3, to detect an activity condition using a camera (14 of fig. 2), comprising the steps of:

- (a) a image buffer (34 of fig. 2) for receiving a reference image from a camera directed in a predetermined direction;

- (b) a previous image buffer (36 of fig. 2) for storing a reference image;

- (c) where a frame buffer (30 of fig. 2) receiving a current image from a camera directed in the predetermined direction;

- (d) an image comparator (38 of fig. 2) for comparing the current image with the reference image to detect an activity condition; and

- (e) alarm unit (23 of fig. 2) for signaling an alarm condition when said comparing detects the activity condition without using any special purpose hardware other than the general purpose computer and the camera (see also cols. 5 and 6).

Pomerleau further suggests the alternative security system as shown in the figure 3 that implements the method as described above.

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Re claims 40, Pomerleau further discloses wherein said signaling (e) of the alarm condition produces an audio sound, sound false alarm (col. 6, lines 1-9).

Re claim 41, Pomerleau further discloses wherein said signaling (e) of the alarm condition comprises the previous buffer or frame buffer (30, 36 of fig. 2) for storing a sequence of images from the camera upon detecting the activity condition so as to obtain a visual record of the alarm condition that is stored in the VCR (42 of fig. 2).

Re claim 42, Pomerleau discloses wherein said signaling (e) of the alarm condition further comprises an audible alarm (50 of fig. 3) for producing an audio sound upon detecting the activity condition.

Re claims 43, Pomerleau further suggests wherein said comparing (d) of the current image with the reference image to detect the activity condition comprises: determining a difference value between the current image and the reference image ( col. 4, lines 53 through col. 5, lines 1-2); comparing the difference value with a predetermined threshold value (col. 5, lines 14-17); and detecting the activity condition when the difference value exceeds the predetermined threshold value (col. 5, lines 14-17).

Re claims 44 and 49, Pomerleau further suggests wherein the activity condition is indicates detection of an intruder (col. 3, lines 64 through col. 4, lines 1-2), and wherein the sequence of images is a video clip, where the computer (18 of fig. 1) stores a user viewable image of the scene that is considered as a video clip.

Re claims 45 and 50, Pomerleau further suggests wherein said signaling (e) of the alarm condition comprises for transmitting a message over a network, a neural network (20 of fig. 3), to a remote computer, alarm unit (22 of fig. 3) has one of the computer such as a police alarm

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(54 of fig. 3), the message including at least the current image, where the VCR (42 of fig. 3) stores at least the current image, the intruder (col. 6, lines 35-36) is the scene when the activity condition was detected.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 46-48 and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pomerleau (US 5,091,780) in view of Skarbo et al. (US 5,778,053)

Re claims 46-48 and 51-52, Pomerleau teaches all of the limitations above except an electronic mail message is a video clip containing images from the camera as specified in claims 46, 48, and Internet via a web browser as specified in claims 51 and 52.

However, Skarbo et al. teaches the apparatus (fig. 1) that is used for creating a video clip by the camera (111 of fig. 1) to transmit the video clip as an electronic mail message by the processor (116 of fig. 1) over Internet (101 of fig. 1) to the web browser (120 of fig. 1) for viewing the video clip (fig. 3). See also col. 3.

Taking the teachings of Pomerleau and Skarbo, it would have been obvious to one skill in the art to incorporate the teachings in the figure 1 of Skarbo with the apparatus of Pomerleau for the same purpose of transmitting the electronic mail message with the video clip to the user over the internet so that the user easily view the email message and video images at the same time.

Doing so would allow the user to selectively view the video clip or read the email message anytime he/she wants at the remote locations.

7. Claims 1, 2, 4-5, 7-9, 11-18, 53-57 and 58-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pomerleau (US 5,091,780) in view of Crain (US 4,962,473).

Re claims 1, 2, 4-5, and 7, Pomerleau discloses a surveillance method for operating the camera station 1 (46 of fig. 3) to provide an captured image by a camera (46) to alarm unit (22 of fig. 3), wherein the method comprises the steps of receiving a surveillance image with a reference image from a local camera direction at the internal area of the building (46 of fig. 3), comparing the surveillance image with a reference image to produce a comparison result (38 of fig. 3), detecting presence of an activity condition (difference image from sensor 1) based on the comparison result from the image comparator (38), notifying an interested user, where a scene is being detected by the camera (46), of the activity condition when the presence activity condition is detected by the alarm unit (22 of fig. 3), where the notification is sent or transmitted to alarm unit (22) to activate the VCR (42 of fig. 3) or other mission of live video of the scene over the network, the network buffer would be able to transmit the live video image to the VCR (42 of fig. 3), where comparison result exceeds the predetermined threshold (col. 5, lines 10-17), detecting the lack of the presence of the activity condition when the comparison result does not exceed the predetermined threshold (col. 4, lines 25-35).

It is noted that Pomerleau does not teach the notification includes email with specified address to be transmitted over Internet or network. However, Crain teaches a security system (fig. 1) for transmitting video image with notification to the specified address (guard post) (10

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and 11 of fig. 1) over the LAN, where the notification is motion or intrusion actuators and a surveillance camera (fig. 2) captures the image.

Taking the teachings of Pomerleau and Crain as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Crain into the method of Pomerleau for the same purpose of transmitting the notification includes video image to the specified user address as suggested by Crain (col. 13, lines 33-68).

Doing so would allow the user to view a live image anytime at the remote location and reduce the cost of the system.

Re claims 8-9, 11-15, the combination of Pomerleau and Crain further teaches the camera, remote computer and local general computer (fig. 3) of Pomerleau. One skilled in the art would use the camera, remote computer and local general computer to hook up in the same arrangement as claimed to make obvious the presently claimed system as suggested by Crain (figs. 1 and 14).

Re claims 16-18, Crain further teaches at least one sensor, the image and alarm status information to be forwarded over the network (LAN) to the remote computer (12 and 14 of fig. 2), where the image and the alarm are displayed on a display device (see figs. 7a-16).

Re claims 53-57 and 58-66, see the analysis in claims 1, 2, 4-5, and 7-9, 11-15.

Since Pomeleau, Crain, and Yonezawa teach the systems that are used for viewing the video image at the remote location, so they are combinable to make obvious the claimed invention.



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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the previous Office Action, Paper No. 11.

***Contact Information***

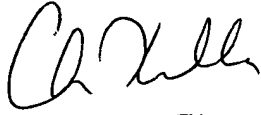
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Tung T. Vo  
Examiner  
Art Unit 2613

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May 21, 2002

  
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